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10/654,487	09/04/2003	Abraham Thijssen	0142-0433P	5210
2292 7590 10/23/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER MAHMOOD, REZWANUL				
ART UNIT		PAPER NUMBER		
2164				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/654,487

**Applicant(s)**

THIJSSEN ET AL.

**Examiner**

REZWANUL MAHMOOD

**Art Unit**

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/02)  
Paper No(s)/Mail Date 04/06/2009
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/28/2009 has been entered. Claims 1-21 are pending in this office action.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiba (US Patent 6,651,120) in view of Takashi (Japanese Patent application 10-021796, applicant admitted prior art) and in further view of Veilleux (US Publication 2002/0161659).

With respect to claim 1, Chiba discloses a managing method for physically managing data that represents a document for eventual presentation to a user, based on said data, which comprises the steps of:

acquiring the data from an appropriate document source in a source

representation (Chiba: Column 1, lines 17-26; Figure 10),

selectively converting the data in source representation to data in destination representation, while selectively storing in a database managed data in an intermediate representation (Chiba: Column 2, lines 40-47; Item 18 in Figure 10),

Chiba discloses converting data into different format and into a different resolution (Chiba: Column 2, lines 40-53; Column 6, lines 15-33; Column 9, lines 28-34; Claims 3-4; Figure 10).

However, Chiba does not explicitly disclose:

first, assessing quantitative physical storage constraints associated with storing the managed data;

second, assessing quantitative physical converting constraints associated with converting the stored managed data from the source representation to the presentation;

The Takashi reference discloses determining storage constraints and conversion constraints associated with a data and converting the data based on the determination (Takashi: Paragraph 6, lines 1-9; ; Paragraph 20, lines 1-6; Paragraph 21, lines 1-8).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Chiba with the teachings of Takashi to assess quantitative physical storage constraints associated with storing the managed data and assess quantitative physical converting constraints associated with converting the stored managed data from the source representation to the presentation for automatically converting image data to be transferred into an optimum file format (Takashi: Abstract, lines 1-3).

Chiba in view of Takashi discloses:

executing the converting before said storing, and/or after said storing, respectively, on a dynamic trade-off basis between said first assessment and said second assessment, while further considering one or more applicable source profiles and one or more applicable destination profiles (Chiba: Column 2, lines 40-53; Column 6, lines 15-33; Column 9, lines 28-34; Claims 3-4; Figure 10; Takashi: Paragraph 6, lines 1-9; ; Paragraph 20, lines 1-6; Paragraph 21, lines 1-8).

However, Chiba and Takashi do not explicitly disclose:

wherein the selectively converting step selectively converts the data in the source representation to the data in the destination representation based on an Idiosyncratic destination profile of a destination apparatus represented by the destination representation automatically and without receiving a specification of a conversion form of the data in the destination representation from a user.

The Veilleux reference, however, discloses converting data in the source representation to the data in the destination representation based on a destination profile of a destination apparatus represented by the destination representation automatically and without receiving a specification of a conversion form of the data in the destination representation from a user (Veilleux: Paragraph 51, lines 1-19; Paragraph 63, lines 1-10; Paragraph 64, lines 1-11).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Chiba and Takashi with the teachings of Veilleux to convert data in source representation to destination

representation based on a destination profile automatically for color image display accuracy in a network having multiple clients that submit images and multiple clients that receive images (Veilleux: Paragraph 7, lines 4-6).

With respect to claim 2, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 1, further comprising the steps of:

third, assessing the quantitative physical transfer constraints associated with transferring the managed data over a transfer facility of an applicable distributed system, and in said execution providing a further dynamic trade-off basis through the application of the third assessment (Chiba: Column 2, lines 50-53; Item 14 in Figure 10; Takashi: Paragraph 21, lines 1-8).

With respect to claim 3, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 1, wherein the document essentially relates to an image (Chiba: Column 1, lines 17-21; Figures 6-9).

With respect to claim 4, Chiba in view of Takashi and in further view of Veilleux discloses the method as claimed in claim 1, wherein the quantitative physical storage constraints are based on storage space availability, the quantitative physical converting constraints are based on destination delay allowability, and the quantitative physical transfer constraints are based on transfer facility availability and/or transfer duration (Chiba: Column 2, lines 40-53; Column 6, lines 15-33; Column 9, lines 28-34; Fig 10).

With respect to claim 5, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 4, wherein the quantitative physical converting constraints and/or the quantitative physical transfer constraints are based on a quality-of-service metric (Chiba: Column 2, lines 40-53; Column 6, lines 15-33; Column 9, lines 28-34; Figure 10; Takashi: Paragraph 20, lines 1-6).

With respect to claim 6, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 2, wherein the quantitative physical storage constraints, the quantitative physical converting constraints, and the quantitative physical transfer constraints are made comparable through assigning to the respective constraints appropriate absolute values of a cost metric (Chiba: Column 2, lines 40-53; Column 6, lines 15-33; Column 9, lines 28-34; Figure 10; Takashi: Paragraph 6, lines 1-9; Paragraph 20, lines 1-6; Paragraph 21, lines 1-8).

With respect to claim 7, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 1, executed by consulting a rule base (Chiba: Figure 10; Takashi: Paragraph 20, lines 1-6).

With respect to claim 8, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 1, wherein the converting is effected through a sequence of sub-conversions to produce one or more intermediate representations which are stored in lieu of storing an eventual destination representation (Chiba: Col 4, L 39-45).

With respect to claim 9, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 1, wherein available storage space is optimally assigned to the storing of various documents in various representations for future user requests for image presentations (Chiba: Column 4, lines 39-45; Column 5, lines 43-48).

With respect to claim 10, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 9, wherein coexistent storage of a particular document in a plurality of different representations is provided (Takashi: Paragraph 20, lines 1-6; Chiba: Figure 10; Figure 15; Here it is disclosed that data can be converted to multiple formats and stored).

With respect to claim 11, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 1, wherein document data is maintained in the database, governed by one or more persistency rules (Chiba: Column 11, line 18; Figure 10; Figure 15; Takashi: Paragraph 20, lines 1-6).

With respect to claim 12, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 1, wherein document data in the database is governed by one or more garbage collection rules (Chiba: Column 6, lines 15-33; Column 11, line 18; Figure 10; Here data is stored for use in a storage with limited capacity, once the use for the data ends, it can inherently be removed to make room for new data. This removal can be governed by one or more garbage collection rules).



With respect to claim 13, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 1, wherein further image presentation is allowed in a thumbnail version (Chiba: Column 6, lines 29-33; Item 20 in Figure 10 discloses a display unit for image data in various formats; Veilleux: Paragraph 3, lines 1-9).

With respect to claim 14, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 1, wherein a source device is substantially uniformly operated at its highest possible image presenting quality level (Chiba: Item 31 in Figure 8 is a resolution converting unit which can present the image data in highest possible quality level).

With respect to claim 15, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 1, wherein a source device is operated at an image processing level quality that is at least co-determined by the eventual requirements associated with an intended user device and/or application (Chiba: Col 8, lines 56-63).

With respect to claim 16, Chiba in view of Takashi and in further view of Veilleux discloses the method of claim 1, wherein an application to invoke a remote server facility is provided through a remote interface (Chiba: Figure 10; Figure 15; Here data can be transferred to a remote storage through network interface).

With respect to claim 17, Chiba in view of Takashi and in further view of Veilleux

discloses the method of claim 1, which comprises, providing for operation with multiple users, a data consistency maintained through an appropriate locking mechanism (If multiple users operate at the same time, inherently a locking mechanism can be implemented to maintain data conversion and transfer integrity).

With respect to claim 18, Chiba discloses a management system for physically managing information that represents a document for eventual presentation to a user, based on said data and provided by a destination profile, which comprises:

acquiring means for acquiring said information from an appropriate document source in a source representation (Chiba: Column 1, lines 17-26; Figure 10),

converting means for selectively converting without user involvement data in source representation to data in destination representation (Chiba: Column 2, lines 40-47; Item 18 in Figure 10),

storing means for selectively storing, in a database, managed data as an intermediate item of said management system (Chiba: Column 6, lines 15-33; Column 11, line 18; Figure 1; Figure 10),

Chiba discloses converting data into different format and into a different resolution and transferring the data over a transfer facility based on a specification, wherein said conversion is done automatically (Chiba: Abstract, lines 1-10; Column 2, lines 40-53; Column 6, lines 15-33; Column 9, lines 28-34; Claims 3-4; Figure 10).

However, Chiba does not explicitly disclose:

assessing means for assessing first quantitative physical storage constraints

associated with storing said managed information, second quantitative converting constraints associated with converting said stored data in source representation to said data in destination representation,

The Takashi reference discloses determining storage constraints and conversion constraints associated with a data and converting the data based on the determination and transferring the converted data (Takashi: Paragraph 6, lines 1-9; Paragraph 20, lines 1-6; Paragraph 21, lines 1-8).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Chiba with the teachings of Takashi for assessing first quantitative physical storage constraints associated with storing said managed information, second quantitative converting constraints associated with converting said stored data in source representation to said data in destination representation and third quantitative physical transferring constraints associated with transferring said managed data over a transfer facility for automatically converting image data to be transferred into an optimum file format (Takashi: Abstract, lines 1-3).

Chiba in view of Takashi discloses: execution means for executing said converting before said storing, and/or after said storing and/or after said transferring, on a dynamic trade-off basis, produced by said assessing means (Chiba: Column 2, lines 40-60; Takashi: Paragraph 6, lines 1-9; Paragraph 20, lines 1-6; Paragraph 21, L 1-8).

However, Chiba and Takashi do not explicitly disclose:

wherein the converting means selectively converts the data in the source

representation to the data in the destination representation based on an idiosyncratic profile of a destination apparatus represented by the destination representation automatically and without receiving a specification of a conversion form of the data in the destination representation from a user.

The Veilleux reference, however, discloses converting data in the source representation to the data in the destination representation based on a destination profile of a destination apparatus represented by the destination representation automatically and without receiving a specification of a conversion form of the data in the destination representation from a user (Veilleux: Paragraph 51, lines 1-19; Paragraph 63, lines 1-10; Paragraph 64, lines 1-11).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Chiba with the teachings of Veilleux to convert data in source representation to destination representation based on a destination profile automatically for color image display accuracy in a network having multiple clients that submit images and multiple clients that receive images (Veilleux: Paragraph 7, lines 4-6).

With respect to claim 19, Chiba in view of Takashi and in further view of Veilleux discloses the system of claim 18 comprising one or more source facilities, and one or more destination facilities linked with each other through a transfer facility for the physical managing of information contained in a database facility and a server facility (Chiba: Column 11, lines 14-24; Figure 10; Figure 15; Figure 16).

With respect to claim 20, Chiba in view of Takashi and in further view of Veilleux discloses a computer program containing a set of instructions which, when used in a general-purpose computer, performs the managing method of claim 1 (Chiba: Column 11, lines 5-13; Figure 10; Figure 15; Figure 16).

With respect to claim 21, Chiba discloses a managing method for managing data that represents a document for eventual presentation to a user, based on said data, which comprises the steps of:

acquiring the data from an appropriate document source in a source representation (Chiba: Column 1, lines 17-26; Figure 10),

selectively converting the data in source representation to data in destination representation, while selectively storing in a database managed data in an intermediate representation (Chiba: Column 2, lines 40-47; Column 6, lines 15-33; Column 11, line 18; Figure 1; Figure 10),

Chiba discloses converting data into different format and into a different resolution and transferring the data over a transfer facility based on a specification, wherein said conversion is done automatically (Chiba: Abstract, lines 1-10; Column 2, lines 40-53; Column 6, lines 15-33; Column 9, lines 28-34; Claims 3-4; Figure 10).

However, Chiba does not explicitly disclose:

first, assessing quantitative storage constraints associated with storing the managed data,

second, assessing quantitative physical converting constraints associated with

converting the stored managed data from the source representation to the presentation representation,

The Takashi reference discloses determining storage constraints and conversion constraints associated with a data and converting the data based on the determination (Takashi: Paragraph 6, lines 1-9; Paragraph 20, lines 1-6; Paragraph 21, lines 1-8).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Chiba with the teachings of Takashi to assess quantitative physical storage constraints associated with storing the managed data and assess quantitative physical converting constraints associated with converting the stored managed data from the source representation to the presentation for automatically converting image data to be transferred into an optimum file format (Takashi: Abstract, lines 1-3).

Chiba in view of Takashi discloses:

executing the converting before said storing, and/or after said storing, respectively, on a dynamic trade-off basis between said first assessment and said second assessment, while further considering one or more applicable source profiles and one or more applicable destination profiles, using an optimum procedure for outputting scanned images on a variety of output devices, and using a single button activation of a representation retrieved from the database (Chiba: Column 2, lines 40-53; Column 6, lines 15-33 and lines 47-54; Column 9, lines 28-34; Claims 3-4; Figure 10; Takashi: Paragraph 6, lines 1-9; Paragraph 20, lines 1-6; Paragraph 21, lines 1-8),

However, Chiba and Takashi do not explicitly disclose:

wherein the selectively converting step selectively converts the data in the source representation to the data in the destination representation based on an idiosyncratic destination profile of a destination apparatus represented by the destination representation automatically and without receiving a specification of a conversion form of the data in the destination representation from a user and printing images.

The Veilleux reference, however, discloses converting data in the source representation to the data in the destination representation based on a destination profile of a destination apparatus represented by the destination representation automatically and without receiving a specification of a conversion form of the data in the destination representation from a user and printing images (Veilleux: Paragraph 42, lines 1-11; Paragraph 51, lines 1-19; Paragraph 63, lines 1-10; Para 64, lines 1-11).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Chiba with the teachings of Veilleux to convert data in source representation to destination representation based on a destination profile automatically and printing scanned images for color image display accuracy in a network having multiple clients that submit images and multiple clients that receive images (Veilleux: Paragraph 7, lines 4-6).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REZWANUL MAHMOOD whose telephone number is (571)272-5625. The examiner can normally be reached on M - F 10 A.M. - 5 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571)272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. M./  
Examiner, Art Unit 2164

October 13, 2009

/Charles Rones/

Supervisory Patent Examiner, Art Unit 2164